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Fourteenth session

SUMMARY RECORD OF THE 264th MEETING

Held at Headquarters, New York,
on Wednesday, 18 January 1995, at 10.15 a.m.

Chairperson: Ms. CORTI

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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95-80073 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Chile (CEDAW/C/CHI/1)

1. At the invitation of the Chairperson, Ms. Bilbao (Chile) took a place at the Committee table.

2. Ms. BILBAO (Chile) said that she wished to update the report submitted by her Government in 1991 (CEDAW/C/CHI/1). Both that report and her current oral report had been prepared by the National Office for Women's Affairs (SERNAM).

3. Of Chile's population, some 90 per cent were of mestizo, or mixed, ethnic origin; of the remaining 10 per cent, most belonged to the country's three indigenous minorities. Spanish was spoken by 92 per cent of the population, while the remaining 8 per cent also spoke an indigenous language. The vast majority of the population were Roman Catholic.

4. Chile's main exports were copper, timber, agricultural products and fish; its main imports were petroleum, sugar and wheat. Average per capita income was US$ 3,160. In the past four years, Chile had achieved an average annual growth rate of 6.3 per cent.

5. According to the Human Development Report 1994, Chile had ranked eighth out of 97 developing countries in 1992 in the human development index, which took into account such indicators as infant mortality, daily caloric intake, adult literacy and average number of years of schooling. However, if human development was measured in terms of income distribution, Chile fell to twelfth place. While the social and economic policies implemented over the past five years by the country's two democratic Governments had succeeded in lifting over 1 million Chileans out of poverty, substantial challenges must be overcome in order to ensure that the remaining 4 million Chileans still living in poverty enjoyed the benefits of development.

6. Women accounted for 50.9 per cent of the overall population and 52.4 per cent of the population in urban areas. Life expectancy for women was 75.79 years, as compared with 68.54 years for men.

7. Chile had one of the lowest and most rapidly decreasing fertility rates in Latin America, with an average of fewer than three children per mother in 1992. At the same time, the relative birth weight of children born to women aged under 20 had increased steadily. Abortion was illegal in Chile; the former military regime had outlawed even therapeutic abortions and had discouraged the use of contraceptives. The fact that the birth rate had continued to fall suggested that abortions had continued to be performed illegally. The current Government had not set any fertility targets. Its family planning policy was aimed at improving the health of mothers and children while affirming the right of every family to have the number of children it desired. Accordingly, her Government

actively promoted non-discriminatory access to methods of birth control, as well as to methods for overcoming infertility.

8. In 1984, six cases of human immunodeficiency virus (HIV) infection had been reported in Chile, all of them men; by 1990, that figure had risen to 146, of which 3.46 per cent had been women. The proportion of women infected with HIV had risen to 8.9 per cent in 1994, despite a decrease in the overall number of cases reported. Maternal mortality had decreased because of improved obstetric care, while the infant mortality rate had dropped from 33 per 1,000 live births in 1980 to 16.1 in 1990.

9. Women's participation in the workforce had increased in recent years, from 29.4 per cent in 1980 to 34.4 per cent in 1993. In 1992 and the first quarter of 1993, 114,990 jobs had been created for women, representing an increase of 8.2 per cent as compared with a 3.9 per cent increase in jobs for men.

10. Significant advances had been made in improving women's level of education. According to the 1992 population census, 10 per cent of the female population had had over 13 years of schooling, as compared with 4.8 per cent a decade earlier. The same census indicated that women entering the job market for the first time were better educated than their male counterparts. Nevertheless, women's position in the job market had not improved significantly. Women's work continued to be undervalued in relation to men's and women were paid less than men for the same work. The more highly educated women were, the greater the wage discrimination they faced. Except during the 1982 recession, the unemployment rate had been higher for women than for men over the past 20 years, and the economic recovery had been slower for women than for men.

11. In 1990, when the first democratic Government had taken office following the end of the military regime, 5.2 million Chileans, of whom slightly over half had been women, had been classified as poor. Women continued to account for a slightly higher percentage of those living in poverty than men. The feminization of poverty was related to another phenomenon common to Latin American countries, that of the growing number of households headed by women. Currently, one out of every four households in Chile was headed by a woman, a figure associated with the increase in the number of separations and of single mothers. Families headed by women tended to be poorer, as most female heads of household held low-paid jobs, primarily in the informal sector, and worked fewer hours per week.

12. The issue of violence against women had begun to be raised in Chile in 1986, at the initiative of women's organizations. In a survey carried out by SERNAM in 1991, 26 per cent of the women surveyed had said that they had experienced physical violence, while 33.5 per cent had experienced psychological violence. It was estimated that 12 per cent of women who were victims of violence did not report it.

13. With regard to women's political participation, historically, Chilean women had been underrepresented in the executive branch. By 1992, only seven women had held ministerial posts. In the current Government, the Ministers of Justice, SERNAM and National Property were women; there had also been a gradual increase in the number of women holding middle-level ministerial posts. In

1992, women had accounted for 16 per cent of candidates for mayoral and city council posts. Of those elected, 11 per cent of council members and 5 per cent of mayors were women. With regard to the legislative branch, in the period from 1990 to 1994, there had been only 12 women senators and deputies. In the judicial branch, women's participation was increasing, but was heavily stratified. Recently, for the first time, a woman judge had been appointed to the Appeal Court; however, no woman had ever been appointed to the Supreme Court.

14. Women's participation in the political parties was also increasing and had reached around 40 to 50 per cent in some parties. The role of the women's movement during the military regime and the subsequent incorporation of the movement's leaders into the ranks of political parties had opened up a debate on the social and political discrimination faced by women. However, the number of women in political leadership positions remained small. Women's lack of representation in trade unions and student federations also posed a challenge to Chilean society, a challenge which SERNAM was endeavouring to meet by encouraging public debate.

15. With regard to the country's political and institutional framework, democracy had been restored in Chile in 1989, after 17 years of military rule. Under President Aylwin (1900-1994), a political transition had taken place, albeit within the limits imposed by authoritarian institutions and laws inherited from the previous regime. Although the democratic Government had been elected by a sizable majority, opposition forces had controlled the Senate because it included nine senators appointed by the outgoing military regime. That situation, combined with stringent provisions imposed by the outgoing regime with regard to the adoption of legislation, had seriously hampered the Government's legislative agenda, with implications for women's rights and issues, among others.

16. With regard to development policy, the two democratic Governments had opted for a development strategy of growth with social equity in an effort to achieve a qualitative leap in the level and rate of development. The current Government was seeking to consolidate economic development, eradicate extreme poverty, modernize labour relations, build modern, efficient, universal health care and education systems, and integrate the country in the international economy.

17. Turning to Chile's implementation of the Convention, she said that the former military Government had adopted traditional, paternalistic policies towards women. In turn, women had played a major role in the organizations which had emerged in response to the regime's political repression. With the return of democracy, the focus of feminist organizations and politically active women had shifted to gender-related issues. The democratic Government had incorporated women's concerns into its institutional agenda and had created the National Office for Women's Affairs (SERNAM), which had been instrumental in adding a gender dimension to public policy.

18. While significant progress had been made in recent years in overcoming discrimination against women, inequality was deeply rooted in Chilean society. Accordingly, an equal opportunity policy was being defined in an attempt to bring about the necessary structural and cultural changes. The new policy

reflected the realization that discrimination required a systematic approach, involving all government ministries. Priority would be given to enhancing the role of women in the workforce and promoting women's social and political participation and access to decision-making. It was hoped that progress in those areas would lead to changes in other areas of women's lives, both public and private. Empowering women would enhance their social integration and strengthen the democratic process. In that regard SERNAM would pinpoint problems, identify mechanisms for change and promote greater participation by women. The equal opportunity policy would also link gender-equity proposals with regional and municipal development strategies.

19. Turning to individual articles of the Convention, she noted that the provisions of the Convention had been incorporated into national legislation in 1990. In particular, the definition of discrimination given in article 1 of the Convention was applicable in Chile. Pursuant to article 2, a constitutional amendment had been proposed which would enunciate the principle of equality between men and women and prohibit all discrimination based on gender. Since the political opposition as a whole did not support such an amendment, SERNAM was working on a number of fronts to secure its adoption. Although other legislation prohibited discrimination against women, amending the Constitution would have a major impact. Of the legislation already adopted to protect women from discrimination, mention should be made of the recent law on domestic violence, which instituted effective legal procedures and penalties, as well as alternatives such as counselling and community service. Judicial mechanisms also existed to ensure protection against other forms of discrimination.

20. Since its establishment as a ministerial-level institution for the protection and promotion of women's equality, the National Office for Women's Affairs (SERNAM) had undertaken a series of programmes to support and protect women's rights, including the establishment of regional information centres on women's rights and campaigns on such issues as domestic violence. One of its principal functions was to promote legal reform to improve all aspects of the status of women. On the initiative of SERNAM, the Government had amended the Labour Code; decriminalized adultery and ended discrimination against women in that regard; amended maternity leave provisions to reflect the fact that the obligations inherent in caring for children should be shared by both parents; promoted a new matrimonial property regime in which women enjoyed equal rights and assets were divided proportionately when the marriage was dissolved; enacted legislation affording all children the same rights, regardless of the marital status of their parents; and begun consideration of a bill that would amend the laws governing a series of sexual offences. SERNAM, in conjunction with the Ministry of Education, was also considering ways of enforcing the Ministry's instruction that pregnant students should be allowed to remain in school to pursue their education.

21. With respect to article 3, the staff of SERNAM had increased since its establishment and it now had a budget of some US$ 8 million, including international cooperation. The Office enjoyed high-level representation throughout Chile's 13 regions and sought to promote regional-level initiatives in accordance with the Government's policy of decentralization.

22. With reference to article 4 of the Convention, Chilean legislation had sought to facilitate, inter alia, the integration of women in the workforce. However, special measures could be counter-productive. For instance, since companies employing more than 20 women were required to provide child-care, it had been found that most companies preferred to recruit men. Ways were being sought to resolve that situation by promoting legislation to protect the family as a whole, including the reproductive situation of both parents, to ensure that child-rearing did not effectively result in discrimination against women.

23. Regarding article 5, the Government had initiated measures to eliminate sex-role stereotypes from school textbooks. A programme to prevent teenage pregnancy, to be supported by the United Nations Population Fund, was also under way.

24. In accordance with article 6 of the Convention, all activities relating to prostitution were punishable by law.

25. With respect to article 7, measures were being taken to promote political participation by women. Chile was actively involved in international life and, as called for in article 8, had appointed women to represent it at a high level on many occasions. The provisions relating to nationality contained in article 9 were fully guaranteed under Chilean legislation.

26. Women's access to education, protected under article 10, was not a problem in Chile, since women enjoyed equal access at all levels. Similarly, scholarships and participation in all educational activities were available on an equal basis, although more needed to be done to ensure that girls could actually avail themselves of those opportunities. The one area where discrimination really persisted was the content of educational programmes and the perpetuation of sex-role stereotypes. It was important to update curricula, especially with regard to gender roles and sex education.

27. With regard to article 11, the Chilean Constitution and Labour Code prohibited discrimination other than that based on an employee's skills or qualifications. Labour laws prohibited the firing of women on grounds of pregnancy, and all workers, both public and private, were entitled to maternity leave.

28. With regard to article 12, the Constitution guaranteed the right to health care. Chile had both private and public health care. The public health service provided free pregnancy, child birth and post-natal care; breast-feeding was encouraged and milk supplements were available to all children up to the age of six.

29. Turning to article 13, there was equal access to family allowances and benefits in Chile, and there were special benefits for low-income households (which included a high proportion of women). Women married under the joint property regime had only limited access to bank loans, but exceptions were made for women working in occupations separate from those of their husbands. Women had full control over their earnings.

30. With regard to article 14, the Ministry of Agriculture had a special division for rural women which worked in coordination with SERNAM. There was also a specific programme for assisting female seasonal workers. Access to credit for women holding rural land without title was available through a World Bank-financed programme administered by the Ministry of National Property, which also had a programme for granting title to rural land.

31. Turning to article 15, women and men enjoyed equality before the law in Chile, except in the case of joint property marriages. Although the Civil Code had been amended in 1989, its provisions still gave husbands in joint property marriages control over the couple's assets, and even over property inherited by the wife or owned by her before the marriage. Couples could choose among several matrimonial property regimes, and it was up to the registrar to explain those options at the time of marriage. Current norms also called for husband and wife to declare loyalty and support for each other, rather than requiring the wife to profess obedience to the husband and take his domicile.

32. Women could choose freely to enter into marriage and married women could enjoy full legal capacity. However, only fathers had parental authority, and SERNAM had presented a bill to the Senate to rectify that situation. Both spouses enjoyed the same personal rights and the same rights in respect of ownership and property, except in joint property marriages. Marriage between minors (defined as males under 14 and females under 12) was illegal.

33. Ms. ESTRADA CASTILLO expressed concern that, five years after the restoration of democracy in Chile, the Government was still only studying reforms and other action to improve the situation of women. She asked the reporting State to clarify the time-frame for the figure of US$ 3,160 average per capita income given on page 2 of the updated report, and expressed concern at the present Government's extreme neo-liberal goals which, in the absence of aggressive plans to promote social equity, could have serious social costs and actually increase women's poverty.

34. She noted the apparent lack of government action to restore human rights to, and compensate the losses suffered by, women abused during the years of dictatorship. She requested clarification of the situation regarding abortion, in view of the high abortion rate in Chile and the apparent lack of protections for minors and women in that regard.

35. She doubted the credibility of a programme which purported to promote equality but did not actually define discrimination or address the issue of legitimate versus illegitimate children or the reincorporation of women in democracy. She was also surprised to find no provision in the report for the continuing education of women and minors.

36. Ms. ABAKA stressed the importance of following the guidelines for reporting progress in and obstacles to the implementation of the Convention, as specified in article 18. While the report in document CEDAW/C/CHI/1 contained interesting information, it did not follow the guidelines and did not clearly indicate how its contents related to specific articles of the Convention. The report gave little statistical information and she recommended that the Government seek the assistance of the advisory services programme in preparing subsequent reports

37. Ms. SCHOPP-SCHILLING also stressed the importance of following the reporting guidelines and looked forward to the inclusion of more detailed information in the Government's second report. She requested clarification of the role of national machinery and the exact nature of the political relationship between SERNAM and the rest of the Government, as well as details of any measures the Government intended to take under article 4.

38. Ms. GARCIA-PRINCE agreed with previous speakers that the Government's next report should follow the reporting guidelines. The current report gave no clear indication of progress or improvements in the status of women in Chile, nor of the extent of the relevant Government programmes in that sphere. Additional information was required on such issues as SERNAM training programmes, the structure of equal opportunity policies and programmes and the successes achieved in their implementation, the Equal Opportunity Plan itself, SERNAM services for women in various political sectors, national machinery, and national legislation as it pertained to women.

39. She also requested clarification of government initiatives under article 7 to increase the representation of women at the decision-making level in the Government, trade unions and other sectors of society. She pointed to the need for the Government to reinterpret the goal of promoting the participation of women at the international level under article 8, and to provide fuller information on government initiatives for protecting women workers and improving the situation of women within the family.

40. Ms. BUSTELO GARCIA DEL REAL also called for closer adherence to the guidelines in subsequent reports, with more specific and systematically organized information on the state of implementation of the Convention and its usefulness in actually improving the situation of Chilean women. The difficulties currently encountered in implementing the Convention's provisions at the legislative level indicated a need for more effective dissemination of the Convention among the Chilean public, and for legislators to understand that since Chile had ratified the Convention, it must adopt the consequent legislative reforms.

41. With regard to legislation on the exploitation and trafficking of women (art. 6), she asked whether the particular vulnerability of prostitutes had been taken into account, since their marginalization often prevented them from benefiting from the protection afforded by such legislation. A comprehensive analysis was needed to assess the efficacy of the measures being taken to protect them.

42. She also called for more information on the status of children and on legal matters relating to marriage and the family (art. 16), and asked whether the legal marriage age was the same for men and women.

43. Ms. AOUIJ said that while the establishment of SERNAM would help to promote the full integration of women in the country's development and hence enhance their rights, role and importance, women's participation could be effective only if legal, cultural, political and economic barriers were dismantled. In that regard, she would like more information on the composition of the working committees established within SERNAM to study existing legislation and propose

legislative reforms essential to the elimination of the discrimination suffered by Chilean women. In particular, she wished to know whether men were involved in drafting new legislation. Information should also be provided on the principal bills proposed by SERNAM which had not yet been adopted by the Chilean parliament, and the reasons why they had not been adopted.

44. Referring to the laudable efforts that Chile was making to reduce the burden of poverty borne by women heads of household, particularly in rural areas, she said that the next report should provide actual figures on the efforts being made to address rural poverty. Violence against women was another obstacle not only to equality between men and women but also to women's participation in development. The most serious expression of such violence was to be found within the family, the basic building-block of society. She welcomed the priority given to legislation to prevent and punish violence against women and would appreciate information on the penalties provided under that legislation.

45. Noting the references in the report to temporary and part-time work for women, she wondered whether those arrangements were geared exclusively to women and whether it was women themselves who decided to work part time, since such arrangements often had the effect of marginalizing women from the labour market. She wished to know how SERNAM went about promoting measures to enhance the dignity and value of domestic work, which was an essential contribution to the functioning of the family and society, and whether men were involved in that activity and had been made aware of their share of responsibilities in the family and the household.

46. Ms. MUÑOZ-GOMEZ asked whether the National Office for Women's Affairs had the same status as other ministries. Noting that Chile had one of the most advanced economies in Latin America, she asked whether SERNAM had any specific programmes for protecting women in the context of the neo-liberal market system, especially in the areas of maternal support, unemployment benefit and equal pay for men and women. With respect to health, she expressed particular concern about the high rate of abortion, especially among teenagers.

47. Ms. KHAN suggested that if non-governmental organizations had not been consulted in the preparation of the report, they should be consulted in preparing the next one. Concerning article 5 of the Convention, she wished to know what measures the Chilean authorities had taken to portray females in a more positive light in school curricula and whether the media were being used to change the image of women in Chilean society. Expressing particular concern at the fact that there was no definition of discrimination under Chilean civil law, despite the fact that 60 per cent of women were subject to violence, especially in the family setting, she asked whether the Convention could be invoked in Chilean courts and, if not, whether other avenues of redress were open to women in such situations. Given the very high incidence of rape, she wondered whether any attempts had been made to revise existing penal legislation, whether the SERNAM study had made any suggestions as to legislative reform and whether such reforms, if any, had been carried out.

48. Turning to article 11, she sought information on any policy that SERNAM might have established to address the issue of improving women's position in the

job market and on the kinds of training programmes being undertaken to ensure that women had greater access to the modern labour market. Turning to article 12, she wondered whether any programmes had been established to alleviate the particularly heavy economic burden borne by poor female heads of household. Expressing alarm at the extremely high rate of illegitimate births, especially among teenagers - reflecting the failure of family planning services to reach young women of childbearing age - she wondered what action was being taken to address that issue. Information should be provided on the reasons for the high incidence of abortion, which was illegal in Chile, where abortions were performed and any action taken by SERNAM to address the matter.

49. She wondered whether any measures had been taken to repeal the provision under Chilean law that gave husbands exclusive control of the matrimonial property, including property owned by wives, as that provision violated article 16 of the Convention.

50. Ms. JAVATE DE DIOS, referring to violence against women, asked what specific programmes had been established to assist women victims of violence, including domestic violence, rape and incest. It would also be useful to know whether the police, law courts and lawyers had any guidelines for dealing with violence against women. She welcomed the fact that steps were being taken at the legislative level to address that problem. Under article 6, information should be provided on the extent of prostitution and on any programmes and measures to address the needs of prostitutes affected by sexually transmitted diseases, including AIDS. Since article 373 of Chile's Penal Code criminalized prostitution, making prostitutes vulnerable to police harassment, she wondered whether AIDS testing was mandatory only for prostitutes and whether there were any public education campaigns on AIDS. She wondered whether the Equal Opportunity Plan was to be implemented by SERNAM alone or whether it was to be an inter-agency effort, and what its defined goals, targets and indicators were.

51. Turning to article 7, she would welcome information on the fate of the many women political detainees who had suffered torture and other abuses under the military dictatorship. In that connection, she wondered whether any programmes had been put in place to assist such women, and expressed particular alarm at reports that about 200 members of the group of relatives of disappeared persons had been mistreated by the police. She inquired whether any government agency was assisting the relatives of the disappeared. She would also appreciate any information on specific measures and programmes being planned by the Government to enhance women's political education so that they could participate fully in public life.

52. With respect to articles 11 and 12, she wished to know what action the Chilean authorities were taking to improve the often appalling working conditions of women seasonal workers in the country's fruit-producing regions, whose reproductive health was being affected by exposure to heavy doses of pesticide. She was particularly concerned about the situation of teenage mothers and elderly women.

53. Ms. CARTWRIGHT said that she shared the previous speaker's considerable concern at the level of violence against women and at the measures which must be implemented to address that problem. She hoped that the next report would

indicate what educational mechanisms had been put in place, what effect the existing mechanisms had had and what measures had been taken to review criminal and civil law to address the problem. The Government would also need to assist in providing safe houses and access to legal aid, so that women could have free access to the courts and to protection orders. The Committee would also need to know how effective any enforcement measures had been.

54. Turning to article 15, she was concerned at the serious limitations placed on women's right to administer property, particularly under the joint matrimonial property regime. In that connection, she wished to know what was the position of women living in a relationship other than formal marriage, and whether legal aid was available to women, irrespective of whether they were married, unmarried or in a de facto relationship, when it came to problems with the administration of property. Turning to article 16, she noted that a formal divorce procedure would have to be provided for both women and men, in order to protect them and their children. She wondered whether there were any provisions which gave the same protection to unmarried and married women, particularly in relation to financial support from the father of their children when such women had responsibility for the care of the children.

55. Ms. OUEDRAOGO, referring to article 4, said that Chile should seize the current opportunity to take temporary measures. The next report should specify the most acute problems faced by Chilean women and indicate what temporary measures had been taken to speed up their emancipation. Turning to article 7, specifically women's participation in public life, she felt that women should preserve the momentum generated by their recent struggle by creating an effective network of communication and dialogue with each other, so as to pool their efforts and involve women more fully in the defence of their rights. Consideration should also be given to establishing quotas for women in order to increase their representation in public posts. Turning to article 14, she noted that the integrated programme of education for family life was needed in rural areas to decrease malnutrition. Consideration should be given to the promotion of income-generating activities, so as to improve women's incomes, decrease the number of women working in the informal sector, and promote their access to appropriate technologies which would alleviate their workload.

56. Ms. MAKINEN, referring to the Equal Opportunity Plan, asked whether it included initiatives to introduce special legislation on equality in Chile and to establish special authorities to implement those initiatives. Turning to article 11, she would like more information on wage differentials between men and women in both the public and private sectors. She wondered whether labour legislation guaranteed not only equal pay for equal work but also equal pay for work of equal value, as required by Convention No. 100 of the International Labour Organization, and whether Chile had ratified that Convention. In that regard, she wished to know whether effective measures were in place to deal with other kinds of discrimination in the workplace.

57. Ms. SATO, speaking on article 10 with particular reference to education as it related to employment, wished to know the reason for the huge wage differences between men and women and whether the fact that the wage gap widened as women enhanced their educational qualifications discouraged girls from going on to higher education. She would appreciate information on any measures taken

by the Government to reduce the income gap between men and women. The Chilean representative should also explain why there was such a wide gap between male and female illiteracy rates and provide information on any measures taken by the Government to reduce that gap, such as adult and functional literacy programmes. Information on any measures taken by the Government to encourage female adults to enrol in continuing education programmes would be most welcome.

58. Ms. BARE, speaking on article 14, requested more information on the extent of the coverage provided by preschool facilities, especially in rural areas. With respect to rural women employed as seasonal workers in export-oriented agro-industries, she wished to know what action was being taken by non-governmental organizations to advocate improved working conditions and rights for women in that sector. With respect to article 11, more information on wage disparities between men and women in the public sector would be most welcome.

59. Ms. AYKOR wished to know the position of the National Office for Women's Affairs in relation to the Chilean parliament. Concerning article 2, she wondered whether the Government considered abortion a family planning method, since the figures on fertility rates and abortions had been provided by the Ministry of Health. If abortions were authorized, information should be provided on where they were performed, whether they were officially recorded and how they were afforded by rural women, who had lower incomes than their urban counterparts. She wished to know whether there were family planning programmes for both men and women and whether contraceptives were offered to both sexes. The Committee would like the Chilean Government to adopt a non-discriminatory approach to family planning.

60. Ms. ESTRADA-CASTILLO, referring to article 15, wished to know whether, at the time of marriage, women were informed about or had received prior information on the various systems for the administration of matrimonial property, what percentage of Chilean women were served by the information centres on women's rights (CIDEM) and whether those centres existed throughout the country.

61. The CHAIRPERSON thanked the representative of Chile for her detailed presentation and, welcoming the transition to full democracy in Chile and the extent to which Chilean women had benefited from it, expressed the hope that women would not be excluded from the considerable economic progress achieved by Chile. She reminded the representative of Chile that her country's ratification of the Convention committed it to the de jure and de facto application of that instrument.

The meeting rose at 1.10 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 265th MEETING

Held at Headquarters, New York,
on Wednesday, 18 January 1995, at 3.15 p.m.

Chairperson: Ms. CORTI

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IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION*

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES*

ORGANIZATION OF WORK

* Items considered together.

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95-80079 (E)

The meeting was called to order at 4.35 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES

1. Ms. TAMZALI (United Nations Educational, Scientific and Cultural Organization (UNESCO)) recalling the offer made at the previous session to place UNESCO resources at CEDAW's disposal in order to prepare a study dealing with article 10 of the Convention, drew attention to the informal document which was being circulated. She hoped that the document, which had been prepared by a joint UNESCO/CEDAW group would be regarded as an authoritative text on women's education. If it proved acceptable to CEDAW, it would be circulated at the Fourth World Conference on Women in Beijing. Even if the Committee did not accept the document the cooperation between the two bodies would still have been valuable because UNESCO intended to circulate the document internally and use it as a basis for future programmes of action. It also planned to publish the document so that it could serve as the basis for a round table to be organized at Beijing to promote gender equality.

2. She also drew attention to document CEDAW/C/1995/3/Add.3 containing the report submitted by UNESCO, particularly to Part One, chapter II, which dealt with the use of rape as a weapon of war. UNESCO's objective in submitting the report was to assist the Committee in its task of monitoring the Convention and to provide statistical data on women's education in the various States parties.

3. The CHAIRPERSON said that the draft document referred to by UNESCO represented an excellent starting-point for further exploration of the issue of women's education and that the proposed round table in Beijing would be a valuable opportunity to publicize the Committee's work. She suggested that the document should be referred to Working Group II.

ORGANIZATION OF WORK

4. Ms. TALLAWY said that the number of reports considered by the Committee at one session should be reduced in order to ensure quality.

5. Ms. BERNARD cautioned that such a measure should not be taken until the Secretariat had provided a complete list of reports pending consideration.

6. Ms. SINEGIORGIS agreed with Ms. Tallawy that more time should be devoted to the consideration of each State party's report. The fact that CEDAW was allotted a comparatively short time to handle the same volume of work as other treaty bodies was tantamount to a form of discrimination. Women typically felt compelled to work exceptionally hard but, in fact, a committee composed of women should not have to work at a more rapid pace than any other committee. The heavy programme of work meant that there would be very little time left to examine the draft optional protocol to the Convention. She proposed that the Committee should consider no more than seven or eight reports in the three weeks allotted to it.

7. Ms. GARCÍA-PRINCE supported the statement made by Ms. Sinegiorgis.

8. Ms. CARTWRIGHT also supported the comments made by Ms. Sinegiorgis. The extent to which the number of reports should be reduced should be determined on the basis of information provided by the Secretariat concerning the number of reports pending consideration.

9. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women) confirmed that the Committee considered between 8 and 14 reports each session. The list of States whose reports had been submitted but not yet considered was contained in document CEDAW/C/1995/6 (annex IV); additional reports had been received since the publication of the document. It was true that, in an effort to complete its work on schedule, the Committee had to devote less time than other similar bodies to the consideration of each report. The General Assembly had requested States parties to the Convention to meet in 1995 in order to review the meeting time provided for in the Convention.

10. Ms. SCHÖPP-SCHILLING, Rapporteur, supported the remarks made by Ms. Sinegiorgis. She would ensure that the list of reports for consideration by the Committee in 1996 was shorter. She noted that, even though its workload was heavier in anticipation of the Fourth World Conference on Women, the Committee had not been allotted extra meeting time.

11. The CHAIRPERSON, speaking in her personal capacity, confirmed that, based on her observation of the proceedings of other treaty bodies, CEDAW had a heavier workload than any other human rights committee. That was partly attributable to its Convention, the only one to impose a limit on meeting time. The fifth meeting of persons chairing human rights treaty bodies had expressed concern about the Committee's inability to discharge its work during the meeting time available to it (A/49/537, annex, para. 49) and yet, during the session of the Commission on the Status of Women, the Finnish representative had proposed that CEDAW should extend its annual session by one week rather than convene twice a year. Even so it had required 10 days of discussion before a decision was taken. Perhaps the entire issue of meeting time should be raised during the meeting of States parties, requested by the General Assembly, which would take place in May.

12. Ms. SINEGIORGIS, supported by Ms. BUSTELO GARCIA DEL REAL, Ms. AYKOR and Ms. TALLAWY, suggested that the Chairperson should represent the Committee at the meeting of States parties to the Convention to be held in May 1995.

13. It was so decided.

14. Ms. CARTWRIGHT noted with regret that the representative of Saint Vincent and the Grenadines had not been able to appear before the Committee to submit their combined first, second and third periodic reports as required under Rule 49 of the rule of procedure. She suggested that, given the limited time available, the Committee might wish to consider the possibility of taking up the report in the absence of the State party's representative. Rule 55 of the rules of procedure allowed for the suspension of any rule by a decision of a two-thirds majority, and its application in that case would not create a precedent.

15. Ms. SINEGIORGIS suggested that the Committee should first contact the Government of Saint Vincent and the Grenadines to learn why their representatives had been unable to appear.

The meeting rose at 6.05 p.m.

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

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31 January 1995

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 266th MEETING

Held at Headquarters, New York,
on Thursday, 19 January 1995, at 3 p.m.

Chairperson: Ms. CORTI

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OTHER MATTERS

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95-80085 (E)

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The meeting was called to order at 3.10 p.m.

CONTRIBUTIONS OF THE COMMITTEE TO INTERNATIONAL CONFERENCES (continued)

Statement by Ms. Sadik (Executive Director, United Nations Population Fund)

1. Ms. SADIK (Executive Director, United Nations Population Fund) noted that, due in large measure to the efforts of the Secretariat to ensure the equitable participation of women, more women had participated in the International Conference on Population and Development than in any other United Nations conference. Delegations had also included representatives of non-governmental organizations (NGOs), many of whom were women. It was quite possible that the Programme of Action adopted in Cairo would not have as forward-looking or stressed gender issues as strongly had it not had the benefit of the input from women's groups and NGOs. In that sense, it truly built on the work of CEDAW. She thanked the Egyptian Government for its efforts to achieve consensus among groups of countries on a number of issues which affected women, such as inheritance rights.

2. In many ways, the Programme of Action reinforced the principles contained in the Convention on the Elimination of Discrimination against Women. Not only did it affirm the equal rights of all human beings, irrespective of sex, but it also specifically stressed gender equality, the empowerment of women, the elimination of all forms of violence against women and women's ability to control their own fertility as the cornerstones of population and development-related programmes. It reaffirmed the human rights of women and girl-children as an indivisible part of human rights including reproductive rights, which were derived from other rights. It also declared that the full and equal participation of women in civil, cultural, economic, political and social life at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex, were priority objectives of the international community.

3. In the area of health and family planning, the Programme of Action supported the Convention (arts. 12, 14 and 16), particularly with regard to women's right to choose freely the number and spacing of births and to have access to information and education on those rights and the means to exercise them. The Programme of Action also supported the provisions of the Convention concerning the family, including the equal rights of men and women to choose their spouse and enter into marriage only upon their free and full consent; the right of adolescent women to attain physical and emotional maturity prior to marriage; and the promotion of opportunities for family members, particularly women and children. Males should be encouraged to share responsibility for the family as a step towards achieving gender equality.

4. The Programme of Action also fixed quantitative goals which directly promoted gender equality and opportunities for women. In the area of education, the goal was universal access to primary education for both girls and boys by the year 2015 and, in those countries which already provided universal access to primary education, extension of such access to the secondary and higher levels. With a view to closing the gender gap and retaining children in school, efforts

were being made to train teachers in gender sensitivity, offer scholarships and other incentives in order to sensitize parents to the value of educating girls and allow pregnant adolescents to continue their schooling. In that connection, the Secretary-General had established a task force of relevant organizations within the United Nations system to implement the Conference's recommendations on education in a more integrated manner. As Chairperson of the task force, one of her first priorities would be to establish a working group on the elimination of gender disparity in education.

5. Recognizing the impact of maternal mortality and morbidity on the family, the Programme of Action called on countries to bring about "significant reductions in maternal mortality by the year 2015: a reduction in maternal mortality by one half of the 1990 levels by the year 2000 and a further one half by 2015". The Programme of Action also addressed gender disparity in infant mortality.

6. The Programme of Action was ground-breaking with regard to all aspects of women's reproductive health. It called on all countries to "strive to make accessible, through the primary health care system, reproductive health to all individuals of appropriate ages as soon as possible and no later than the year 2015". By the year 2015, all countries should seek to provide universal access to a full range of safe and reliable family-planning methods and to related reproductive health services which were not against the law. The objective was to help couples and individuals achieve their reproductive goals and exercise their right to have children by choice.

7. Just as the Programme of Action built on the outcome of earlier conferences, she hoped that follow-up activities of the Cairo Conference would ultimately incorporate the recommendations of the World Summit for Social Development and the Fourth World Conference on Women. At the national level, countries were establishing committees to reassess their population policies in the light of the Programme of Action, particularly in the areas of family planning and integrated reproductive health services.

8. She urged Committee members to promote the recommendations of the Programme of Action in their own countries and to help maintain the support of NGOs, which could play a vital role in bringing local needs to the attention of national policy makers and the international community. CEDAW would also have a role to play in that connection.

9. The work of the new Commission on Population and Development (formerly the Population Commission) should be coordinated with that of CEDAW and of the Commission on Sustainable Development and the Human Rights Committee. The proposals which the Secretary-General would put forward to the Economic and Social Council concerning new mechanisms for the follow-up of the Cairo Conference might also be relevant to the Committee's work.

10. Great strides had been made at Cairo, where many high-level government officials had begun to understand the urgent need to integrate women into the mainstream. She hoped that CEDAW would help to ensure that those gains were protected, and that they would be further developed by the World Summit for

Social Development and the Fourth World Conference on Women in a truly forward-looking spirit.

11. The CHAIRPERSON thanked Ms. Sadik for stressing the relationship between the Convention and the work of the International Conference on Population and Development. Referring to the concept that reproductive rights derived from basic human rights, she proposed that CEDAW could form a working group on reproductive rights in order to explore ways and means of helping the Commission on Population and Development to follow up the Cairo Conference.

12. Ms. TALLAWY thanked the Executive Director for the remarkable role she had played at the Cairo Conference. The Conference had been a milestone in the struggle for the advancement of women, for it had made leaders and parliamentarians realize that women's issues were the responsibility of society as a whole and the basis for a sustainable future for humankind.

13. Ms. SHALEV stressed the linkage between the work of the Cairo Conference and that work done by CEDAW, in particular under articles 12 and 16 of the Convention, and welcomed the Chairperson's proposal to establish a working group on reproductive health.

14. Ms. AOUIJ noted the extensive coverage which the Conference had been given in the media. Even the controversy and debate which had taken place during the Conference had ultimately served to enrich its outcome. The Convention on the Elimination of All Forms of Discrimination against Women was indeed one of the first legal instruments to affirm women's freedom of choice in procreation and family planning (art. 16) as a basic right, and to stress maternity as a social function (art. 5).

15. Ms. OUEDRAOGO expressed her satisfaction at having participated in the Cairo Conference. The work accomplished by Ms. Sadik represented a major victory which built on already existing UNFPA activities at the national level, including six UNFPA-sponsored projects in her own country, Burkina Faso. She hoped that the development of information and education programmes in Africa, for both men and women, would help to eradicate deep-rooted prejudices concerning procreation. In that connection, the continued support of UNFPA would be vital.

16. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women), introducing a draft version of the updated compendium on progress achieved in the implementation of the Convention (to be issued as document CEDAW/C/1995/7), which was to be submitted as CEDAW's contribution to the Fourth World Conference on Women, expressed concern at the document's length and said that it needed greater strategic focus. The Committee could adopt the document as it stood, after drafting a suitable introduction, or prepare a new document with a different focus and purpose, or again approve the document giving very specific instructions about any necessary amendments.

17. Ms. SCHÖPP-SHILLING inquired whether there was enough money to issue a document of any length, and asked for more details about the parameters of the document.

18. Ms. BUSTELO GARCIA DEL REAL said that in preparing the document the Secretariat had clearly not followed the guidelines which the Committee had set the previous year. The draft would have to be amended by a working group before the Committee could decide how best to use it.

19. Ms. TALLAWY, supported by Ms. SINEGIORGIS, suggested various ways in which the draft could be improved, mainly by cutting out material relating to the Committee's procedures and placing more emphasis on the improvement of the status of women through proper compliance with the Convention. A more substantive account was required of the way in which the rights embodied in the articles of the Convention had been interpreted.

20. Ms. SCHÖPP-SCHILLING, speaking on a point of order, asked Mr. Mathiason to answer her questions.

21. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women) said that provision had been made for the publication of one document which could be as long or short as the Committee decided. The current version had been drafted in accordance with the Committee's decisions on structure and content as contained in the outline of the compendium prepared by the Secretariat for the thirteenth session (CEDAW/C/1994/7).

22. The CHAIRPERSON said that the Committee had asked for a document that would focus on the achievements of the implementation of the Convention. Procedural details were of no interest to the wider public. She suggested that the document should be shortened and subdivided so that it could be distributed at the World Conference on a more targeted basis.

23. Ms. AOUIJ agreed that the discussion of procedural matters should be deleted and that the Committee should draft an introduction or executive summary. The section on the history of the Convention could be shortened but should not be deleted. Chapter III, on the interpretation and implementation of the Convention, would constitute the core of the document. It would also be important to include a section on how the Committee saw its role changing and expanding as it adapted to new conditions.

24. Ms. SCHÖPP-SCHILLING thanked the Secretariat for the high quality of the document. A unique opportunity existed to publish as much information as possible about the Convention; it should not be wasted. Including the history of the Convention in the document would provide a better understanding of its conceptual basis and of the problems the Committee currently faced. Such a comprehensive document could be very useful in the activities of the Decade for Human Rights Education.

25. Ms. BUSTELO GARCIA DEL REAL proposed that, since the document was not yet available in all the working languages of the Committee, it should be turned over to Working Group II for consideration, which would in turn report its findings to a plenary meeting.

26. Ms. GARCIA-PRINCE, speaking as the Chairperson of Working Group II, said that the guidelines for the preparation of the document had not given any guidance regarding its length. Quite the contrary, members had requested a

discussion of each article of the Convention and had been given the opportunity to submit their comments on individual articles. It was clear that the Committee must change its vision of the type of document it wished to prepare for the Beijing Conference. Although she understood the concerns expressed by the Chairperson and other members that a lengthy document would not be strategic, she shared Ms. Schöpp-Schilling's view of the importance of a document of that nature to the work of the Committee. It would be unfortunate if it were simply to be filed away. Perhaps the Committee could produce a separate short pamphlet for the Conference that would be more accessible to general readers.

27. Ms. JAVATE DE DIOS said that the Committee must be clear about the audience it wished to reach. In her view, the document for the Beijing Conference should be brief and readable; it should concentrate on the substantive contribution of CEDAW to the advancement of women and locate the Committee at the cutting edge of women's human rights issues, and should also discuss the challenges of the twenty-first century.

28. Ms. SINEGIORGIS said that the document should be accorded the highest priority by Working Group II and insisted that it must follow the guidelines prepared at the thirteenth session.

29. The CHAIRPERSON said that Working Group II would discuss the preparation of the document for the Beijing Conference.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (continued) (CEDAW/C/1995/CRP.1)

30. Ms. KHAN, introducing the report of the Pre-session Working Group (CEDAW/C/1995/CRP.1), drew attention to paragraphs 1 to 12 of the report, and noted that the Pre-session Working Group had prepared lists of issues and questions relating to the reports of Argentina, Finland, Norway, Peru and the Russian Federation. The questions formulated by Committee members for the Pre-session Working Group had provided particularly valuable input; that exercise should be continued.

31. Ms. JAVATE DE DIOS said that the Committee should also have access to additional information contained in the reports of other treaty bodies, particularly human rights treaty bodies, during its consideration of States parties' reports.

32. The report of the Pre-session Working Group contained in document CEDAW/C/1995/CRP.1 was adopted.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE (continued)

33. Ms. SCHÖPP-SCHILLING, reporting on the work of the Human Rights Committee, said that the latter had adopted a general comment (CCPR/C/21/Rev.1/Add.6) on the subject of reservations made by States upon ratification of, or accession to, the International Covenant on Civil and Political Rights or to the optional protocols. The comment dealt inter alia with the principle of international law

by reference to which the acceptability of reservations was to be tested; the roles of States parties - and of the Committee itself - in relation to reservations; and the considerations that should be borne in mind when making reservations. It also made it clear that what mattered was not the format but the intention of a reservation. If the intention was to exclude or modify the legal effect of a treaty in its application to the State, it made no difference whether the expression used was "reservation", "declaration", or "statement of policy". The document also described a number of legal human rights principles in respect of which reservations were unacceptable.

34. She pointed out that the report of the Committee on progress achieved in the implementation of the Convention (CEDAW/C/1995/7), which was to be the Committee's contribution to the Beijing Conference, would include an extensive chapter on the subject of reservations. Consideration should be given to whether CEDAW wished to follow the example of the Human Rights Committee by adopting a similar general comment, or even expanding on it.

35. Ms. BUSTELO GARCIA DEL REAL, reporting on the work of the Committee on Economic, Social and Cultural Rights, said that it was interesting to note that non-governmental organizations could submit written information to that Committee at any time, and that they were also invited to certain meetings where they could make oral presentations. At its most recent session, the Committee had discussed the need for non-sexist education whereby children of both sexes could learn to share responsibilities of all types.

36. The Committee had also begun drafting a general comment on the subject of persons with disabilities; it contained references to non-discrimination between men and women, to the right of women with disabilities to have access to family planning, and to their right not to be subjected without their consent to abortion or sterilization. At its two most recent sessions it had discussed a draft optional protocol similar to the one currently being prepared by CEDAW.

37. It was interesting to note that when a State failed, despite repeated requests, to submit its reports, the Committee on Economic, Social and Cultural Rights would undertake its own investigation of the situation in that country. It had recently decided, as a result of a report it had received from a non-governmental organization, to conduct an in situ investigation of the situation in Panama, and it habitually published reports on individual countries in addition to its overall reports.

38. Ms. SINEGIORGIS, reporting on the work of the Committee against Torture, said that the Committee periodically considered reservations entered by States parties and that, in a number of cases, States had been persuaded to withdraw certain reservations.

39. The Committee could request a Government to submit a revised report, and would postpone its consideration of an initial report if the Government concerned expressed a wish to submit such a revised report. That seemed an interesting way of carrying on a dialogue with a State party. The Committee's concluding remarks on each country comprised a brief introduction, a section on "positive aspects", one on subjects of concern to the Committee, and recommendations.

40. The Committee had agreed with the Special Rapporteur on Torture that, although their mandates were different, they should hold exchanges of views and produce joint reports.

41. Ms. AYKOR said that, having received no documentation regarding the work of the Committee on the Elimination of Racial Discrimination, she was unable to report on the subject.

42. Ms. TALLAWY said that she was unable to report on the work of the Committee on the Rights of the Child at that meeting, but would do so at a later stage.

43. Ms. GARCIA-PRINCE, supported by Ms. HARTONO, suggested that it would be useful if other experts helped with the monitoring of the activities of the various human rights treaty bodies.

44. Ms. SINEGIORGIS said that all members of the Committee should have experience in monitoring treaty bodies and that such a practice should be a permanent feature of the Committee's work.

45. Ms. BUSTELO GARCIA DEL REAL considered that rotation of monitoring responsibilities was a good idea but wondered whether it might be better to rotate every two years, thus allowing time for members to establish and develop meaningful contacts.

46. The CHAIRPERSON said that she had tried to divide tasks equally among all members of the Committee. She had no objection to Committee members offering to help with the monitoring activity, but she was against making changes to the current year's appointments.

47. Ms. TALLAWY reminded the Committee that the task of monitoring treaty bodies was voluntary work. If the Committee wished to make such activities a permanent feature, it would be best to draw up a list of volunteers so that everyone would know, in advance, who was willing to participate in the work.

OTHER MATTERS

48. Mr. MATHIASON (Deputy Director of the Division for the Advancement of Women), replying to questions posed at the 263rd meeting regarding the status of the concluding comments on some reports considered by the Committee at its thirteenth session, said that at its previous session the Committee had begun the practice of issuing concluding comments on reports. Because it was a new practice, the Committee had not allotted sufficient time to complete all the comments and had had to defer them to the fourteenth session.

49. In the interim, the secretariat had examined the question of deferral. Paragraph 816 of the Committee's report to the General Assembly (A/49/38) implied that comments would be included in the report on the session at which the State party's report was considered, and no precedent existed for carrying comments over; in fact, that was specifically not permitted. He pointed out, moreover, that the composition of the Committee had changed substantially since the previous session; members who had not been present at the submission of a State party report could not be asked to draw conclusions on it.

50. Ms. SINEGIORGIS said that a majority of members had been present the previous year. With the understanding of their new colleagues, those members could adopt those concluding comments.

51. Ms. CARTWRIGHT agreed that those members who had been present at the previous session, who were a substantial majority, should confer on the concluding comments. It should be made clear in the Committee's report that the deferral would not create a precedent, but had been a response to an extraordinary situation.

52. The CHAIRPERSON said that, in the light of the explanation given, she would take it that the Committee decided to complete all concluding comments in the session in which the respective reports were considered, in consistency with the practice of other treaty bodies.

53. It was so decided.

The meeting rose at 6.10 p.m.

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Convention on the Elimination of All Forms of Discrimination against Women

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 267th MEETING

Held at Headquarters, New York,
on Friday, 20 January 1995, at 10 a.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

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95-80091 (E)

In the absence of Ms. Corti, Ms. Garcia-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Bolivia (continued) (CEDAW/C/BOL/1 and Add.1)

1. At the invitation of the Chairperson, Ms. Montaño (Bolivia) took a place at the Committee table.

2. Ms. MONTAÑO (Bolivia), replying to questions raised by the Committee, said that contrary to what was stated in the initial report, the Convention had become part of Bolivian law on 15 September 1989 and could be invoked fully for defending the exercise of women's rights and formulating policies. There were no legal or legislative obstacles whatsoever to the implementation of the Convention. The initial report had probably been trying to convey the fact that Bolivia's judges and judicial authorities had very little knowledge of the Convention and did not often invoke its provisions in handing down judgements. However, that situation was changing and a growing number of lawyers were using the Convention to defend women's rights. The Office of the Under-Secretary for Gender Affairs was making systematic efforts to disseminate to judges and legal practitioners information on the Convention and other legal instruments for protecting the rights of women, so as to remedy the failure to implement the Convention.

3. Regarding the impact of economic development on women's social well-being, she noted that for many years Bolivian society had been characterized by extreme poverty and unequal income distribution. That situation had been exacerbated by a long period of hyperinflation and negative growth. The current growth rate of 4.5 per cent a year was still considered insufficient to generate social well-being. However, attempts had been made to redistribute income. In that regard, the State had provided for the transfer of resources from the national to the municipal level. Approximately 25 per cent of national revenues were to be allocated to municipalities, in proportion to the number of people for whom they were responsible.

4. Under the Popular Participation Act, municipalities now had to incorporate the concerns of women's organizations into their plans and programmes. Her Office was currently working with the government agencies concerned on a set of gender statistics which would identify the kind of input that women could have into the design of development projects at the local and national levels and how they would benefit from such projects in future. Instead of taking a vertical, centralized approach to the allocation of resources, the new system took local demands into account. Moreover, by law, 50 per cent of the membership of the oversight committees responsible for monitoring the use of municipal resources must be women from the community concerned.

5. Replying to questions about her Office's involvement in legal reforms, she said that the Office's legal reform division had carried out a number of studies with a view to amending the country's laws, so as to eliminate all legal obstacles to the advancement of women. There was also a programme of training and consciousness-raising to address socio-cultural obstacles to the application of the principles of equality. In that connection, the Office had submitted to the legislature a preliminary bill on domestic workers designed to protect young women from rural areas who were engaged as domestic servants and who, as a result of deep-rooted cultural discrimination, were denied the minimum social benefits provided under the General Labour Act. The bill was the outcome of several months of consultations between the Office and the domestic workers' unions of Bolivia's two main cities. It also responded to a mandate from the Vice-President of the Republic, who was committed to fighting for the rights of the Aymara, Quechua and other indigenous peoples of Bolivia.

6. Concerning the proposed law on domestic violence, a bill had been submitted to the legislature following consultations and agreement with the members of various political parties. The law would not only repeal article 276 of the Penal Code, but would also define domestic violence, provide new minimum penalties for it and cover areas not currently covered by the Penal Code. The General Labour Act had also been redrafted to eliminate the over-protectiveness which was one of the main legal obstacles to women's advancement. Motherhood would be protected under the new Act.

7. The Family Code was to be amended to address certain discriminatory aspects, such as the archaic provision whereby husbands could prevent their wives from engaging in certain occupations or trades for reasons of "morality". That provision not only violated the rights of women but had also become instrumental in increasing the exploitation of women workers, who were often forced to work illegally without the usual labour protections. That was why, in its analysis of the Family Code, her Office was insisting on the deletion of that provision and all references to breaches of "morality".

8. Regarding the age of marriage, she noted that, while under current Bolivian law boys could marry at age 16 and girls at age 14, studies were being carried out with the assistance of the United Nations Children's Fund (UNICEF) to determine actual marriage and reproductive practices throughout Bolivia, given the wide cultural diversity that existed. On the basis of those studies, a single age for marriage would be proposed that reflected existing values and practices in Bolivia.

9. Concerning divorce, the Office was emphasizing the need to amend the current practice of granting a divorce only on grounds of adultery or abuse and to include the unilateral desire for divorce as the current legal situation had led to the highly illegal practice of producing false witnesses, thereby not only violating the principle of truth but also tainting the dignity of all concerned.

10. While the right to family allowances was one of the rights most widely recognized in Bolivian social practice, the red tape involved in requesting an increase in such assistance was so costly that women usually did not attempt to obtain it. Her Office was trying to simplify the procedure so that family

allowances would increase automatically in line with the wage increases established annually by the Bolivian Government.

11. With regard to rape, under the Penal Code, the burden of proof fell on the woman and the rape of women over the age of puberty was considered a private crimes which meant that society was not responsible for combating it. Her Office's assessment of the situation was that it was easier to work to have rape classified as a public crime than to try to reverse the burden of proof requirement, which involved going against the entrenched judicial, religious, social and cultural prejudices which came into play whenever such a debate arose in Bolivia.

12. Turning to the issue of land ownership legislation, she noted that although women could, by law, be landowners, in practice that was not the case. Her Office was drafting explicit laws which would ensure that women were effectively granted land ownership rights and were not hampered by red tape or cultural traditions which allowed only men to inherit land.

13. Concerning the law on political parties and the redistribution of power, she noted that CEDAW and other United Nations bodies would have a fundamental role to play in the upcoming decade in helping to change the mind-set of Bolivian males. Traditionally, the women's movement in Bolivia had been concerned mainly with social issues and had addressed only those political issues which affected them directly, such as human rights or the struggle against dictatorship. The bill on political parties currently before the legislature recognized the principle of equality of opportunity but did not accept the idea of quotas, thereby virtually guaranteeing that the principle would have no practical impact on the exercise of power.

14. There was a profound crisis in the country's legal system. According to a study just completed by her Office on judicial practice in the handing down of sentences under family law, 80 per cent of sentences were based not only on the law but also on the ingrained prejudices of judges, lawyers and judicial authorities. Indeed, the study had found that the judiciary was often the most powerful vehicle for transmitting traditional values.

15. Since Bolivia did not have any gender-based indicators, the impact of structural adjustment on the lives of Bolivian women had not been quantified. However, based on case-studies carried out by her Office, the reduction in social spending could be said to have resulted in an increased workload for women and in the feminization of poverty.

16. Responding to questions about the rank of her Office, she said that its rank was equivalent to that of the Ministries of Health and Education and that it could adopt administrative decisions which were enforceable within its juridical framework. The Office was also involved in the work of the ministries concerned with social affairs and in all inter-ministerial decisions. While rank was important, political will and the ability to arrive at a consensus were even more crucial, as an administrative structure for dealing with women's concerns was not in itself sufficient to bring about change. Her Office was therefore making considerable efforts to reach agreements with political parties and parliamentary representatives to ensure not only that the legal reforms it

was proposing would become law but also that the Office would be maintained under future governments.

17. Regarding financial resources, she noted that the Office had an adequate budget for its first few years of operation and that 75 per cent of its resources came from international cooperation, while the remaining 25 per cent came from the Government. There was also a commitment to increase its budget gradually over the next few years. The Office's research department was looking at development funding from all sources in order to establish how much was being spent, the pattern of spending and its impact on women. The United Nations Development Programme (UNDP) and some bilateral donors were assisting the Office in its efforts to that end.

18. Referring to the Office's functioning and its intersectoral mechanisms, she noted that, in addition to political consultants, it maintained a team of high-level experts at its central offices, regional representatives in seven of Bolivia's nine political regions and sectoral specialists on rural development, education, health and popular participation. Thus, its technical team worked both on designing policies at the central level and on incorporating them at the local level and in the three main sectors of health, education and rural development.

19. Responding to questions as to what the Office was doing to promote women's participation, she noted that a national programme for strengthening municipalities and women's organizations had been designed. It was hoped that, for the current year, pilot projects would be carried out in a cross-section of 30 of the country's 305 municipalities. Those projects would focus on integrated programmes in support of women's participation and on helping women to present their demands, while transferring technical capacity to the municipalities to enable them to receive and respond to women's demands. The specific purpose of the popular participation programme was to secure greater involvement of women in the popular participation process and in the drafting of municipal plans.

20. Replying to the questions raised concerning educational reform, she said that the results of an experiment involving instruction in the Guaraní language had demonstrated the relationship which existed between bilingual and multicultural education and gender equality. A higher proportion of women than men were monolingual, and the drop-out and repetition rates were higher for girls than for boys. By recognizing the right of Guaraní speakers to be educated in their mother tongue, her Government had enabled all of the girls involved to stay in school up to the tertiary level, even though they were from extremely poor families, and had fostered an atmosphere of tolerance and equal opportunity for men and women. While no temporary special measures had been adopted, her country's development plan recognized the need for affirmative action, especially with regard to public investment, to promote educational opportunities for girls.

21. Replying to the questions raised concerning paragraphs 84 and 85 of the report, she said that there was indeed an inconsistency in the treatment of discrimination in the workplace. The report which her Office had prepared for the Fourth World Conference on Women, which she invited the members of the

Committee to examine, made it clear that both law and practice in the labour field were profoundly discriminatory. One indicator of that discrimination was the wage gap between men and women with comparable educational levels performing the same work; the gap was 30 per cent at the higher levels and 50 per cent at the lower levels.

22. Regarding prostitution, there was an inconsistency between the Penal Code and police and municipal law, which criminalized prostitutes while affording immunity to pimps and procurers. There was a clear relationship between trafficking in women and prostitution; however, little research had been done in that area and she hoped that fuller details would be provided in the next report.

23. Turning to the role of non-governmental organizations, she said that it was important to distinguish between such organizations and the broader range of public associations. Her Office had worked with many kinds of organizations, including grass-roots women's organizations, churchwomen's groups, political parties, women's professional associations and trade unions. While her Government did not finance or support public associations, so as to preserve their independence, its programmes were frequently implemented with their assistance. At the same time, non-governmental organizations must recognize that responsibility for formulating public policy fell to the State and not to them.

24. As noted in paragraph 118 of the report, training for military careers had been discontinued for women several years earlier, and there was little support for reinstating it.

25. Under the Constitution, Bolivian women married to aliens could transmit their nationality to their husband and children; nationality could also be transmitted through adoption. Single women were permitted to adopt children under the Family Code.

26. While 46 per cent of the population aged over 10, including nearly all residents of rural areas, did not possess national identity cards, that was true of men and women in equal proportions. A programme to register all citizens was under way, to enable them to vote as well as to acquire shares in State-owned enterprises which were being privatized.

27. While abortion remained illegal except in cases of rape or when the mother's life was at risk, it continued to be practised widely under unsafe conditions and was largely responsible for the high maternal mortality rate. Her Government, which had endorsed the Cairo Declaration without reservations, recognized that that situation was a public health problem. While there were no plans to legalize abortion, her Government was taking steps to reduce maternal mortality by facilitating access to family planning, which was recognized as a basic right.

28. Her Government acknowledged that the report lacked detailed information on the types of development projects that were being carried out, especially in rural areas, and on how they benefited women, a deficiency which it would endeavour to overcome in the next report.

29. Ms. SHALEV requested the Bolivian representative to clarify how the abolition of military training for women, but not for men, could be reconciled with the goal of gender equality.

30. Ms. JAVATE DE DIOS said she hoped that the next report would contain a fuller account of the steps taken by the Government to curb trafficking in women and prostitution.

31. Ms. SCHOPP-SCHILLING welcomed the Bolivian representative's statement that her Government had set targets and established a timetable for the implementation of the Popular Participation Act.

32. Ms. MONTAÑO (Bolivia), replying to the question raised by Ms. Shalev, said that there was no national debate over the issue of military training for women. In her opinion, at Bolivia's current stage of development, it was more important to invest in education and health care and to restrict the role of the military and the police. At the same time, her Office was working with female police officers to raise awareness of human and civil rights and of the campaign against violence.

33. Replying to Ms. Schöpp-Schilling, she said that the Popular Participation Act amounted to a peaceful revolution in her country. For the first time in history, the country's majority population group, multiculturalism and gender equality had been recognized in a major legislative initiative.

34. Ms. BUSTELO GARCIA DEL REAL said that future reports should not only indicate whether the proposed reforms had been adopted and implemented, but should also contain statistical indicators of equality, showing what progress had been achieved in relation to specific articles of the Convention.

35. The CHAIRPERSON thanked the Bolivian representative for her frank and detailed answers to the Committee's questions and expressed satisfaction that the debate had provided the Government with food for thought. The Committee had concluded its consideration of the initial report of Bolivia.

The meeting rose at 11.35 a.m.

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Fourteenth session

SUMMARY RECORD OF THE 268th MEETING

Held at Headquarters, New York,
on Friday, 20 January 1995, at 3.15 p.m.

Chairperson: Ms. GARCIA-PRINCE
(Vice-Chairperson)

later: Ms. AOUIJ
(Vice-Chairperson)

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Consideration of reports submitted by States parties under article 18 of the Convention (continued)

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95-80097 (E)

In the absence of the Chairperson, Ms. Garcia-Prince, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.30 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial and second reports of Mauritius (CEDAW/C/MAR/1-2)

1. At the invitation of the Chairperson, Ms. Dubois (Mauritius) took a place at the Committee table.

2. Ms. DUBOIS (Mauritius), introducing the combined initial and second periodic reports of her country, said that her Government's commitment to the cause of women was illustrated by the fact that it had established a Ministry for Women's Rights and Family Welfare. At the same time, the tradition of women's subordination remained strong and would have to be overcome. The Government was working to encourage the empowerment of women through social and economic development. Significant changes had taken place since 1992 when the report was submitted; Mauritius was now a republic. Accordingly, it no longer had a Governor-General but a President, who was elected by the members of the Legislative Assembly.

3. The country currently enjoyed almost full employment and a favourable balance of trade and exchange rates. The main economic sectors were manufacturing, agriculture and tourism and services. Manufacturing was the driving force of the Mauritian economy, accounting for 25 per cent of the gross domestic product (GDP).

4. The reservations made to the Convention regarding articles 11.1 (b) and (d) had since been waived. The concepts of equal employment opportunity and "equal pay for equal work" were currently well established and were being applied in all sectors. Moreover, the right of women to choose a profession was now embodied in national legislation, as was the right of married women to have the name of their choice.

5. With the creation of a Ministry for Women's Rights and Family Welfare, a new era of conscious advocacy for women's rights had begun. The Ministry's focus had shifted from community welfare to addressing the women's equity issues and the needs stemming from their productive and reproductive roles. In order to increase the effectiveness of the inter-ministerial committee dealing with women's affairs, a training programme on gender analysis and planning for desk officers and senior policy officials was being organized with the help of UNDP.

6. All citizens of Mauritius were equal before the law, and the Constitution enshrined a philosophy of equality. While section 16 specifically protected the citizen against discriminatory laws and measures, it made no reference to sex. The major amendments to the Napoleonic code since 1981 had gone far towards empowering women legally and giving them equal treatment with men. Women were no longer treated as minors, or as chattel. They had the right to choose their

matrimonial regime, although under the joint property regime, the husband retained exclusive control over such property. However, although formal discrimination under the law had almost disappeared, economic, social and cultural barriers and attitudes still prevented women from exercising their legal rights.

7. Accordingly, the policy focus must shift from ensuring formal equality of access to taking concrete and positive steps towards achieving equality in the outcome of social processes. Women's triple burden of reproductive, productive and community management roles must be made visible and its value acknowledged. Those multiple roles dictated a multisectoral, holistic approach to development and the development of women. Having made progress in the areas of education and employment, women were less willing to tolerate continuing subordination and inequity.

8. The Ministry for Women's Rights and Family Welfare had been instrumental in achieving policy reforms, but it suffered a serious shortage of human resources. Training programmes had been developed in order to overcome those deficiencies. A White Paper on women in development was under preparation, which was intended to develop an overall policy framework including detailed strategies and an action plan aimed at promoting the empowerment of women. Its production coincided with the preparations for the Fourth World Conference on Women.

9. Special temporary measures had been taken to accelerate equality in the fields of education and training. In addition, a project for women entrepreneurs was being implemented, with the collaboration of UNIDO, to facilitate women's self-employment. Protective legislation had been enacted to safeguard the labour rights of women relating to childbirth and nursing of infants. Legislation in the agricultural sector also provided for women's early retirement.

10. The Government had taken measures to eliminate stereotypes and negative images of women in textbooks and the media. It had also enacted legislation to give civil effect to religious marriages.

11. With regard to traffic in women and the exploitation of women, there had been no indication that prostitution had increased as a result of the development of the tourist industry. However, reports of sexual harassment were on the increase. Cases often went unreported out of fear of reprisals or social stigma. Information on the experience of other countries where sexual harassment policies had been introduced and grievance procedures developed would be very useful.

12. Although women were no longer barred by law from entering politics and public life, very few women were involved in politics or in the decision-making process. Although Mauritian women had acquired the right to vote in 1947, they did not have equal access to power; they rarely had the opportunity to vote for a woman candidate. The driving forces for change were the universal access to education for both girls and boys, the emergence of women's issues as a major focus, and the increasing number of educated women past their childbearing years who had time to devote to politics. The time was ripe for State intervention to

give impetus to the increased participation of women in politics and decision-making.

13. At present a Mauritian woman could not confer Mauritian nationality on her children or her spouse, as could a Mauritian man. Women's movements had been pressing for amendment of that law, which they considered discriminatory. There were indications that the law might be relaxed in the near future.

14. Education remained the main avenue for changing the position of women in society and for developing the human resource potential which underpinned the economy. However, despite having equal access to education, girls and women still tended to opt for traditional fields of study. The importance parents attached to education for girls depended in large measure on their own educational level as well as on their perception of employment opportunities for girls. Accordingly, efforts to change parental attitudes would have to be coordinated with efforts to change employers' attitudes and practices of employers regarding the employment of women. The Government had developed a master plan to reform the educational system and improve its quality and access for all children. At the university level, men outnumbered women by far because the courses offered were engineering, law and science, fields not traditionally chosen by women.

15. The situation regarding employment-related matters as set out in the report had not drastically changed; however, the Widows' and Orphans' Pension Scheme for public officers had been revised and renamed the Family Protection Scheme. Both men and women now contributed to the scheme. The labour force participation rate of women had increased from 28 per cent in 1983 to nearly 44 per cent in 1993.

16. A key strategy for the economic empowerment of women was the development of entrepreneurship, opening the way to greater autonomy and financial independence. Some women appeared to be exploring self-employment as a more flexible and congenial alternative to wage employment, and as a means to circumvent the "glass ceiling". Conscious of this, the Ministry for Women's Rights and Family Welfare was promoting a Women's Entrepreneurship Development Programme.

17. In principle, Mauritian women had the right to work if they were aged at least 16 years and less than 60 years. Married women could open bank accounts and set up business or trade without the consent of their husbands. There were no women in the armed forces, but there were a number of women police constables and officers; they were specially trained to deal with cases of domestic violence and child abuse. A woman constable was available at all times in the main regional police station to handle cases of that type.

18. Investments in social infrastructure and fertility control, and improvements in nutrition, health and hygiene had produced remarkable improvements in women's health, reflecting a rise in the status of women; however, it was suspected that there was still a high prevalence of backstreet abortions in low-income, poorly educated groups. Family planning services were being decentralized and made available to young people. The incidence of AIDS, while not at an alarming level, was increasing; special programmes for the early

detection of breast and cervical cancer were being organized throughout the island. The Government recognized that there was room for improvement in the health services.

19. Socio-legal reforms had virtually ended the formal subordination of women through marriage, and other forms of discrimination which denied women formal access to public life and other entitlements. Social policy addressed vulnerable groups of women such as those who had lost conjugal entitlements through desertion, separation, or the death of a husband. Universal welfare provisions, while not specifically targeting women, had done much to improve their status.

20. Regarding the status of rural women, there was little difference between urban and rural areas in Mauritius. Roads, transport facilities, schools, hospitals, electricity and telecommunications were of good quality throughout the island. Rural society was, of course, relatively traditional and paternalistic; at the same time, the existence of extended families and the higher commitment to the sharing of responsibilities that existed among villagers was likely to contribute to women's participation in the labour force, and help ease family problems.

21. A series of amendments to various laws had been introduced to ensure women's equality before the law; for example, an amendment had recently been initiated to raise the age of consent for girls from 12 to 16. Programmes of legal literacy for women had been organized in order to improve their awareness of their legal rights, and the National Women's Council had been commissioned to organize a Family Counselling Service. There was, however, a need to design legal education strategies to reach the most disadvantaged women, and to review the legislative framework in relation to issues such as domestic violence, sexual harassment and rape. Efforts were being made to sensitize the population to such problems, and police and other officials were receiving special training. A Domestic Violence Bill was also being prepared; however, in order for the legal reforms to work in practice it would be necessary to foster a change in attitudes.

22. Marriage and family laws had been amended to ensure the equality of both spouses. Religious marriages were now recognized by law provided that the marriage was registered. Illegitimate or natural children could inherit their fathers' property, and the disadvantages attached to illegitimacy had been removed. Men and women had the same right to enter marriage, and the legal age for marriage was 18 for both sexes.

23. Changing the laws could not, of course, guarantee that women would indeed enjoy equal rights in marriage, since there were many other factors which came into play, including pressure from the husbands. Accordingly, information and education campaigns were needed.

24. She concluded by stressing that the Government was strongly committed to the goal of equal rights for women, as it considered the participation and full integration of women in society as essential to development and the establishment of true democracy.

25. The CHAIRPERSON thanked the representative of Mauritius for her frank presentation, and noted that major progress had been made in education and health care, although inequalities still existed in other areas, such as employment. She invited members to ask general questions.

26. Ms. CARTWRIGHT asked whether the Government had, indeed, withdrawn its reservations to articles 11 and 16 of the Convention. Given the small number of women in influential positions and public office, she was concerned to hear that the Government wished to encourage women to seek private-sector employment. Women would continue to be marginalized if they were confined to the private sector.

27. Regarding article 2 of the Convention, she wondered if there was some inconsistency in terms of the definition of discrimination, given that section 16 of the Constitution did not seem to include discrimination on grounds of gender.

28. Ms. OUEDRAOGO said that it would have been useful if the report could have given a clearer indication of how the situation had changed over time. Also, she wondered what exactly was the relationship between the National Women's Council and the Interministerial Committee, and between those two bodies and the Ministry of Women's Rights and Family Welfare.

29. Ms. MÄKINEN expressed concern at the paucity of specific data regarding violence against women in the report, although the oral presentation had provided some additional information.

30. Ms. BERNARD said that the omission from the Constitution of Mauritius of any reference to discrimination on grounds of gender was, in itself, a form of discrimination, and should be corrected as a matter of urgency. She would welcome additional information regarding the Sex Discrimination Committee, its composition, and the recommendations it had produced.

31. Ms. AOUIJ noted that improved employment opportunities would give women greater economic autonomy and strengthen their human dignity. Regarding the Government's earlier reservations to the Convention, she wondered whether the appropriate procedure had been carried out for their withdrawal, and what new laws had been enacted to give effect to the corresponding provisions of the Convention.

32. Urgent measures were called for in respect of the social integration of prostitutes and the eradication of trafficking in women. She also expressed concern to hear that maternity leave was given only for the first three pregnancies, particularly since abortion was severely punished; she wondered if family planning services were fully available to women in all areas of the country. She would also welcome further information as to the practical application of the legislation entitling working mothers to a one-hour break for breast-feeding.

33. Ms. SCHÖPP-SCHILLING requested additional information regarding the multiracial and multicultural nature of Mauritian society; she wondered whether it had caused any problems, and what, if any, had been their impact on women.

Article 2

34. Ms. SATO asked whether the Government had considered amending the Constitution to prohibit sexual discrimination, or enacting legislation to provide for equal opportunities in employment.

35. Ms. JAVATE DE DIOS expressed concern regarding certain exceptions to the anti-discrimination laws, particularly regarding areas such as marriage, divorce and inheritance. Since continued existence of such exceptions would negate the spirit and intent of the other progressive laws which had been enacted, she urged the Government to reconsider them.

36. Ms. Aouij, Vice-Chairperson, took the Chair.

Articles 3 and 4

37. Ms. JAVATE DE DIOS, speaking in reference to both articles 3 and 4, welcomed the initiative to provide policewomen with special training in order to help them deal with cases of wife battering and child abuse. She wondered whether such programmes would be institutionalized and extended to the judiciary and to the general public.

38. Ms. BARE, speaking in reference to article 4, referred to paragraphs 56 and 60 of the report. Noting that the women of Rodrigues were poor in comparison to the rest of the population, she wondered whether the Ministry for Women's Rights and Family Welfare would take special measures to increase the health facilities, job opportunities, and education and training programmes available to them. Referring also to the high incidence of teenage pregnancy in that group (para. 59), she asked whether family planning services were offered for teenage girls and for teenage boys as well.

39. Ms. AYKOR, referring to the special temporary measures outlined in paragraph 90 of the report, made the general observation that despite those measures of positive discrimination, the status of individual women continued to be determined by traditional and cultural attitudes. Certain temporary measures, such as the decision to convert two co-educational State secondary schools into State secondary schools for girls only, were actually contrary to the intent of the Convention and the recommendations of the Committee. While the establishment of the Ministry for Women's Rights and Family Welfare was, indeed, a very valuable step towards eliminating discrimination, it should not be regarded as a measure of positive discrimination since, according to the Nairobi Forward-looking Strategies for the Advancement of Women, establishment of such positive machinery was imperative. Lastly, she wished to know whether the protective legislation introduced in the agriculture and manufacturing sectors was designed to improve women's status or to ensure that they remained in certain "feminized sectors".

40. Ms. SHALEV said that she shared Ms. Aykor's concerns. Training in industrial sewing as an affirmative action measure merely reinforced the segregation of the labour market and the stereotypes about women and their aptitude for employment. The introduction of employment training programmes in such areas as management, banking, technology and engineering would constitute

genuine affirmative action. Referring to the table on males and females holding professional positions in the Civil Service, contained in paragraph 125, she asked whether the Civil Service was taking measures to promote women and encourage their appointment to special positions. The report seemed to indicate some confusion between the concepts of affirmative action and protective legislation, which the Committee would be happy to clarify.

Article 6

41. Ms. BUSTELO GARCIA DEL REAL requested clarification of the legislation concerning prostitution, whose objective seemed to be the protection of society against prostitutes rather than the safeguarding of prostitutes' basic human rights. That gave cause for concern, as prostitutes were particularly vulnerable to economic exploitation, violence and health risks. She wondered whether it was illegal for clients to solicit prostitutes just as it was illegal for prostitutes to solicit clients. She also wished to know whether clients as well as prostitutes were subject to compulsory medical examinations, in keeping with the principle of non-discrimination on grounds of sex. Referring to paragraph 261, which contained a declaration on "Women and AIDS", she welcomed its recognition of the fact that women were often the victims, and not the causes, of sexually transmitted diseases.

42. Noting that tourism was a major economic activity in Mauritius, she asked whether special measures were taken to protect minors against "sexual tourism". It would also be useful to know whether immigrants worked as prostitutes and, if so, whether Mauritian law prohibited trafficking in women for purposes of prostitution or any other economic activity in the informal sector.

43. Ms. BERNARD said that she shared those concerns.

44. Ms. JAVATE DE DIOS voiced similar concerns. She urged the Mauritian Government to provide more information on its policy regarding sexual tourism, which was rather ambivalent and did not enable the Committee to ascertain the extent and magnitude of the problem.

Article 7

45. Ms. BERNARD asked whether steps were being taken to increase the representation of women in the diplomatic service and in political decision-making. She noted the lack of women judges in the judiciary despite the fact that, according to table 25 (para. 167), there seemed to be an equal number of male and women graduates of the law faculty of the University of Mauritius.

Article 9

46. Ms. BERNARD, referring to paragraphs 139 and 141 of the report, requested clarifications of the term "privilege", which suggested that the granting of citizenship was optional and could be withdrawn at any time. She wondered whether the Mauritian Government contemplated granting citizenship, as a right, to the husbands of Mauritian women, just as it granted that status to the wives of Mauritian men.

Article 10

47. Ms. ESTRADA CASTILLO noted a clear sexual orientation in the alternative training programmes offered to women who did not have access to higher education. She wondered if training was offered in areas other than hairdressing, sewing and typing.

48. Ms. OUEDRAOGO expressed similar concerns. She welcomed the programme of female literacy offered through the Women's Centres and Social Welfare Centres (para. 171) and the adult education programmes offered by the Ministry for Women's Rights and Family Welfare (para. 172). She, too, however, was concerned by the content of the programmes. Courses in nutrition and child care would be more practical, as they would help future mothers to ensure the health of their families. Considering that, even in the informal sector, men usually had business training, women should be given training in management and entrepreneurial skills. She wondered whether the Mauritian Government planned to offer such training.

Article 11

49. Ms. MÄKINEN asked when the labour laws would be amended to ensure that women working in the Export Processing Zone enjoyed the same rights as persons working in other sectors, both public and private. She also wondered whether it was discriminatory to prohibit women from working at night, since the remuneration for night work (for example, the job of night watchman) was often higher. She asked whether the Orphans' Pension referred to in paragraph 190 was also payable to children of single-parent families. Lastly, she would appreciate more information on the need for day-care services. In particular, she wished to know whether they were free of charge or government- or employer-subsidized, and whether they were offered to single parents on a priority basis.

50. Ms. LIN Shangzhen welcomed the fact that the Mauritian Government had not reduced the resources allocated to the Ministry for Women's Rights and Family Welfare, even at a time of recession and structural adjustment. She requested additional information on the functioning of the Ministry, in particular whether it had been institutionalized at the local level, since its organization chart (para. 72) did not indicate the existence of local branches. She also wondered whether it collaborated fruitfully with other ministries, as the desk officers it appointed to other ministries seemed to be mainly concerned with reporting inadequacies to the Ministry for Women's Rights and Family Welfare.

51. She inquired whether the three-month maternity leave granted to women in both the public and private sectors was paid or unpaid, and whether that generous amount of time was fully respected by private firms. She would also appreciate details on the practical implication of the provision of the Labour Act of 1975 granting new mothers daily one-hour breaks to enable them to nurse their children.

52. Ms. JAVATE DE DIOS said that she was pleased but surprised to learn that structural adjustment had not resulted in cutbacks to social services. She wondered, however, if other government policies on, inter alia, taxes and the price index, might have affected women's lives. Perhaps the Mauritian

Government could provide more information in that regard when it submitted its third periodic report.

53. She referred to the increasingly important role of women in the labour force, as illustrated in tables 27, 28 and 30, contained in paragraphs 206, 208 and 210. Noting that women were estimated to account for 46 per cent of the labour force, she asked whether the Government was providing services to respond to their increasing health, child care and retraining needs, particularly in the Export Processing Zone. She also wondered whether the Government was taking steps to deal with some of the negative aspects of women's participation in the labour force, such as the fact that many of them, particularly non-Mauritian women, held low-paying jobs which offered little security and were characterized by poor working conditions.

54. Ms. ESTRADA CASTILLO noted that minors under the age of 16 were in employment, but according to International Labour Organization regulations that was illegal. She would welcome statistical information on the work done by minors and wondered whether there were any special laws in force to protect them.

Article 12

55. Ms. SHALEV applauded the programmes for early detection of breast and cervical cancer, but said she would appreciate more information on family-planning services in Mauritius because the assertion that such services were free and easily accessible seemed to be contradicted by the incidence of unsafe abortions among poorer women. The reporting State should also indicate the prospects for revision of legislation relating to abortion. With regard to paragraph 354 of the report, she expressed concern that the husband's consent was still necessary for sterilization, and inquired whether the pressure to bear male children had impacted on women's need to have abortions and the family-planning service in general.

56. Ms. JAVATE DE DIOS said that Mauritian family-planning programmes did not seem to be particularly responsive to the needs of working women and asked whether such services were available to all women regardless of their age or status. The reporting State should also clarify how the Government was addressing the problem of unwanted pregnancies among Rodriguan women.

57. Ms. ESTRADA CASTILLO said that paragraphs 245 and 246 of the report implied that married mothers were entitled to State benefits whereas single mothers were not. She found such a situation discriminatory and asked what was being done to address it.

Article 14

58. Ms. OUEDRAOGO wanted to know whether women working in the agricultural sector could be landowners or not, and sought particular clarification on the ownership rights of single rural women.

59. Ms. BARE referring to paragraph 287 of the report, asked whether the Government had taken any measures to combat environmental degradation and if so, what role were women playing in those measures. In addition, the meaning of the

term "changing food habits" was unclear. Comparing paragraphs 287 and 292 of the report, and in the light of the statement that there was a rural labour shortage, she would appreciate a more precise indication of working hours in rural areas.

Article 16

60. Ms. SHALEV said that further details on the dissolution of marriages would be welcome, in particular some indication of whether religious law applied in such cases. If it did, she wanted to know about the resulting impact on women and whether the terms of a religious divorce could be imposed on them. The reporting State should also make clear whether children born of religious and civil marriages had absolutely identical rights.

61. On the issue of domestic violence mentioned in paragraphs 352 and 353 of the report, it would be useful to know more about the actual state of affairs in such cases, and particularly whether a married woman had a right of shelter elsewhere than in her husband's home. Similarly, with regard to paragraph 379, she would appreciate additional information on post-divorce reality, especially since the report admitted that women often found themselves in a position of inequality following a divorce settlement. She also inquired whether the Government had instituted programmes to train judges in the concept of gender-equality in connection with divorce.

62. Ms. BERNARD said that the implications of paragraph 371 of the report regarding the 300-day waiting period before remarriage seemed to discriminate against women and the Mauritian Government should explain its position on the matter.

63. Ms. ESTRADA CASTILLO said that it would be useful to have more details about the economic system in which spouses lived and how that system translated into pressure for arranged marriages. The information should be expressed in percentage terms. Regarding custody of children after divorce, she asked for more data about the criteria used in considering who should get custody and whether judges were trained to identify the more suitable parent.

64. Ms. DUBOIS (Mauritius) said she would communicate the Committee's questions to the appropriate authorities in her Government and hoped to be able to provide answers by the following week.

The meeting rose at 6 p.m.